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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 1455
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<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p>		
<p>This request is being filed with a notice of appeal.</p>		
<p>The review is requested for the reason(s) stated on the attached sheet(s).</p> <p>Note: No more than five (5) pages may be provided.</p>		
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>52,176</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>		
 <p>Signature <u>Stephen S. Roche</u></p> <p>Typed or printed name</p> <p><u>(720) 562-2280</u></p> <p>Telephone number</p> <p><u>02/06/2007</u></p> <p>Date</p>		
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>		
<p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>		

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Fred S. Cook

Application No.: 09/702,644

Group No.: 2618

Filed: 10/31/2000

Examiner: Eugene Yun

For: TEMPORARY WIRELESS NUMBER COMMUNICATION SYSTEM

Mail Stop: AF

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

In response to the Office Action mailed November 6, 2006, please consider the following remarks.

COMMON OWNERSHIP

McConnell et. al. and the current application were commonly owned at the time of invention for the current application. McConnell is only prior art for the current application under 102 (e), (f) or (g). Therefore McConnell falls under 103(c) and can not be used to support a 103 rejection against the current application.

REMARKS

Claims 1-35 are pending in the application. Claims 1-35 stand rejected.

Claims 1-6, 9-23, and 26-35 stand rejected as unpatentable over McConnel (U.S. Patent No. 6,970,719) in view of Phillips (U.S. Patent No. 5,870,459).

Independent claim 1 now recites, in part, a service control point configured to receive the registration message, process the registration message to determine if the wireless call device is subscribed to a temporary wireless number service, and responsive to determining that the wireless call device is subscribed to the temporary wireless number service, process the registration message to automatically assign a temporary wireless telephone number to the wireless call device and generate and provide a registration response message to the first switching system that includes the temporary wireless telephone number.

McConnell and Phillips, separately and in combination, fail to disclose, teach, or suggest an SCP configured to process a registration message to determine if a wireless call device is subscribed to a temporary wireless number service, and responsive to determining that the wireless call device is subscribed to the temporary wireless number service, process the registration message to automatically assign a temporary wireless telephone number to the wireless call device and generate and provide a registration response message to the first switching system that includes the temporary wireless telephone number. The phones in McConnell do not subscribe to a temporary wireless number service. The phones in McConnell have the numbers already assigned (column 2 lines 61 – 67). Therefore the SCP in McConnell can not process a registration message to determine if a wireless call device is subscribed to a temporary wireless number service. All the phones in Phillips subscribe to the temporary wireless number service. Because all the phones subscribe, there is no need for the SCP to determine that the wireless call device is subscribed to the temporary wireless number service. Therefore the SCP in Phillips does not process a registration message to determine if a wireless

call device is subscribed to a temporary wireless number service. Because McConnell and Phillips, separately and in combination, fail to disclose, teach, or suggest an SCP configured to process a registration message to determine if a wireless call device is subscribed to a temporary wireless number service, the examiner has not established a *prima facie* case of obviousness. Claim 1 is therefore allowable over McConnel in view of Phillips.

The remaining independent claims contain limitations similar to those of claim 1 and are therefore allowable over the art of record. Applicant refrains from a discussion of the dependent claims for the sake of brevity and in view of their dependence from otherwise allowable independent claims.

Claims 7, 8, 24, and 25 stand rejected as unpatentable over Phillips (U.S. Patent No. 5,870,459) in view of Alho (EP 0986237). Applicant refrains from a discussion of Phillips in view of Alho in light of the discussion above distinguishing Phillips.

CONCLUSION

The claims in their present form are allowable over the art of record. Applicant therefore respectfully requests allowance of the claims.

The Assignee hereby authorizes the Office to charge Deposit Account No. 21-0765 the appropriate fee under 37 C.F.R. § 41.20(b)(1) for the Notice of Appeal filed herewith. The Assignee believes no additional fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is authorized to charge Deposit Account No. 21-0765 accordingly.

Respectfully submitted,

Date: 02-06-2007



SIGNATURE OF PRACTITIONER

Stephen S. Roche, Reg. No. 52,176
Setter Roche LLP
Telephone: (720) 562-2280

Correspondence address:

CUSTOMER NO. 28004

Attn: Melissa A. Jobe
Sprint Law Department
6450 Sprint Parkway
Mailstop: KSOPHN0312-3A461
Overland Park, KS 66251